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Civil rights lawsuit filed against Carlisle town officials

by Cynthia Sorn

A Federal Civil Rights lawsuit against the Town of Carlisle was filed on November 4, 2021, in the U.S. District Court for the District of Massachusetts. Each defendant received a copy of the case file, “Bush et al v. Fantasia et al,” on November 15. The focus of the lawsuit is the town’s mask mandate.

Named as defendants in the lawsuit are the Town of Carlisle, Town Administrator Tim Goddard, Carlisle Health Agent Linda Fantasia, members of the Carlisle Board of Health (BOH), Gleason Library Director Martha Feeney-Patten, and “John Doe and Jane Doe.” The “Doe” names are used as placeholders, allowing the plaintiff a certain amount of time to discover additional defendants.

Plaintiffs who filed the lawsuit are Carlisle residents Michael Bush, Linda Taylor, Kate Henderson, Robert Egri, Katalin Egri, Anita Opitz, Monica Granfield, Ian Sampson, Susan Provenzano and Joseph Provenzano. Also included are Acton resident Ann Linsey Hurley and Westford resident Lisa Tiernan.



The presiding judge is Allison D. Burroughs. The plaintiffs have requested a jury trial.

What is a Civil Rights suit?

The suit falls under the “Cause of Action: 42 U.S.C. § 1983” federal statute, which allows citizens to sue the government for civil rights violations when those acting under state or local law have deprived a person of rights created by the U.S. Constitution or Federal statutes.

Click here to see the Carlisle Civil Rights Lawsuit Document (/index.php/news/38473)

Cost to the town could be high

Goddard said that each plaintiff was served the lawsuit on November 15. Asked about the process of receiving a lawsuit file, Goddard said that the document was first delivered to Town Clerk Peggy Wang. She date-stamped the case file and then brought it to Goddard, who delivered it to Town Counsel. He and Town Counsel contacted the town's insurance agency, who will assign a legal representative. The assigned legal counsel will meet with all defendants via Zoom to discuss a strategy, Goddard said.

Goddard said that the legal costs to the town could be at least \$100,000. He explained that the deductible is high because the case involved COVID. If it were a case not involving COVID, he said that the town would be responsible for just the first \$10,000. "Folks should think about that before they sue the town," Goddard said.

Contacted on November 15, Fantasia said that she had read the first few pages of the 50-page complaint and believed it to be "just on the mask mandate." Fantasia has not heard whether other towns with mask mandates are being sued. She said the BOH has been overly busy with septic applications, and she is also busy with vaccination clinics.

#### Plaintiff requests compensation

The lawsuit includes a request that Fantasia and Feeney-Patten each pay \$40,000 and legal expenses to each plaintiff, that each BOH member pay \$30,000 to each plaintiff, and that Goddard pay \$5,000 to each plaintiff. The lawsuit also asks that the town declare the mask mandate null and void, that all defendants "refrain from uninformed nonconsensual medical experimentation and religious and medical discrimination," and that the defendants notify all businesses and publish a notice in the Carlisle Mosquito of the resulting court order (if any). See related article here (</index.php/news/38463>).